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FDO 71
JULY 31, 1943

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U. S. DEPARTMENT OF AGRICULTURE

WAR FOOD ADMINISTRATION

[FDO 71]

PART 1414—POULTRY

TURKEYS

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of turkeys for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1414.1 *Restrictions on sale, delivery, purchase, and acceptance of turkeys*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(2) The term "Director" means the Director of Food Distribution, War Food Administration.

(3) The term "governmental agency" means (i) the Armed Services of the United States (for the purposes of this order, including, but not restricted to, the United States Army post exchanges; United States Navy ships' service departments; and United States Marine Corps post exchanges); (ii) The Food Distribution Administration, War Food Administration (including, but not restricted to the Federal Surplus Commodities Corporation); (iii) the War Shipping Administration; (iv) the Veterans Administration; and (v) any other instrumentality or agency designated by the War Food Administrator. The term "governmental agency" also includes any contract school or ship operator, as defined in Food Distribution Regulation 2 (8 F.R. 7523), purchasing turkeys in accordance with said Food Distribution Regulation 2.

(4) The term "dressed turkeys" means turkeys which have been slaughtered, bled, and plucked.

(b) *Restrictions.* (1) No person shall sell, contract to sell, or deliver live turkeys, and no person shall purchase, contract to purchase, or accept delivery of live turkeys.

(2) No person shall sell, contract to sell, or deliver turkeys slaughtered or dressed by such person, or for such person's account, after the effective time of this order; and no person shall purchase, contract to purchase, or accept delivery of turkeys slaughtered or dressed after the effective time hereof.

(3) The provisions of this order shall not prohibit the sale or delivery of live, slaughtered, or dressed turkeys to a governmental agency or to any person for such person's use in the fulfillment of an existing contract with a governmental agency.

(4) The restrictions hereof shall be observed by each person affected by this order without regard to the rights of creditors, existing contracts, or payments made.

(c) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of turkeys of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(d) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(e) *Petition for relief from hardship.* Any person affected by this order, who considers that compliance herewith would work an exceptional and unreasonable hardship on him, may file a petition for relief with the Regional Administrator, War Food Administration, serving the area (8 F.R. 9315) in which the turkeys subject to the restrictions hereof are located. Petitions for such relief shall be in writing, and shall set forth all pertinent facts and the nature of the relief sought. If such person is dissatisfied wtih the action taken on the petition by the Regional Administrator, he may, by requesting the Regional Administrator therefor, secure a review of such action by the Director. The Director may, after such review, take such action as he deems appropriate, and such action shall be final.

(f) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using turkeys, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order, except as provided in (e) hereof, shall be addressed to the Regional Administrator of the Food Distribution Administration, War Food Administration, serving the area (8 F.R. 9315) in which the person affected by the order resides or does business.

(i) *Territorial extent.* This order shall apply only to the forty-eight States of the United States and the District of Columbia.

(j) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., Aug. 2, 1943.

(E.O. 9280, 8 F.R. 10179; E.O. 9322, 8 F.R. 3307; E.O. 9334, 8 F.R. 5423.)

Issued this 31st day of July 1943.

MARVIN JONES,
War Food Administrator.

Press Release Immediate:
Saturday, July 31, 1943.

The War Food Administration acted today to assure that turkeys promised to American servicemen overseas for Thanksgiving, Christmas and New Year's Day dinners would arrive in sufficient quantity and on time.

Food Distribution Order 71, effective August 2 prohibits the sale, purchase, or processing, of live or dressed turkeys except as authorized by designated governmental agencies. The order will be lifted as soon as U. S. military overseas requirements—calling for about 10,000,000 lbs. of 1943 crop turkeys—are met.

The purpose of the embargo, WFA officials explained, is to catch the "early bird"—those marketed during August and September—so that deliveries overseas can be made on time.

The order applies to marketings of 1943 crop turkeys and affects producers, processors, packers, wholesalers, retailers, restaurant, hotel, and dining car operators, and civilian consumers, without regard to contracts made previous to the effective date.

The order includes no restrictions at present concerning turkeys stored before August 2. This flexibility, WFA officials said, will give holders of storage turkeys an opporunity to clean up immediately the stocks now on hand and before ceiling prices, as established under OPA regulations, are seasonally reduced in September and October. It will help to clear freezer space and also will permit unrestricted use of storage turkeys for civilians, at least until marketings of the 1943 crop required under the order, get under way about mid-August. Consideration is being given to stop the sale of storage turkeys after this time.

FDO 71 will be supported by mandatory orders to be issued by military authorities. These will cover designated processing plants and will require such plants to sell and deliver to the armed forces all 1943 crop turkeys processed under the food order. The names and locations of the plants to be placed under mandatory order will be issued soon.

Restrictions under the embargo and under further order expected to follow, WFA officials said, are intended to provide a safeguard against black market traffic in turkeys during the time when this emergency military need must be met. FDO 71 gives the producer the right to make certain that the buyer with whom he deals is an authorized representative qualified to buy and process turkeys for the armed forces. The pending mandatory orders will give each processor receiving them the necessary authority to buy, process and sell the turkeys to the armed forces. Lifting of the restrictions, officials said, depends entirely upon the speed with which the emergency requirement is met.

Production of turkeys this year is expected to be about the same as in 1942. Since the 10,000,000 pounds requirement for overseas use represents barely 2 percent of the expected supply, military needs in the U. S. can be met by the turkeys marketed during the normal season of heavy marketing in October and November. Then it is expected civilians will have available about the same quantity of turkey meat as in 1942.

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WAR FOOD ADMINISTRATION
Food Distribution Administration
Washington 25, 1943

August 1943

TURKEYS

Food Distribution Order 71 as Amended

Questions and Answers

This statement is intended to supply the answers to some of the questions raised by the public generally. For additional information write to the Regional Director of the Food Distribution Administration, War Food Administration, serving the area in which the person affected by the order resides or does business. (See list on p. 4)

FDO 71 was issued as a means of assuring our armed forces that early season marketings of the 1943 crop of turkeys, needed for shipment overseas, would be available in the desired quantity and on time. About 10 million pounds of turkey will be needed. The turkeys will provide Thanksgiving, Christmas, and New Year's Day dinners for American fighting men and women on distant battle fronts. The Order becomes effective August 2, 1943, and will remain in effect until the emergency request has been met.

An amendment effective August 21, made the Order applicable to turkeys in storage before August 2. The original order was not made applicable to stocks stored before August 2, which gave dealers an opportunity to dispose of the small stocks in storage before ceiling prices were reduced seasonally in September and October.

As amended, the Order now applies to all live or dressed turkeys, bought, processed, stored, or sold before or after August 2, and requires that turkeys remaining in storage on or after August 21 be set aside either for government purchase or for canning purposes under specific permission. In effect, the amended order stops all further civilian use of turkeys by hotels, restaurants, dining car services, and home consumption from August 2 until enough turkeys are obtained for the armed forces to supply the overseas' requirement.

1. Q - What are the major regulatory measures of the amended Order?

A - It prohibits the purchase, processing, sale, or storage for other than designated governmental agencies, of turkeys until the requirements of the armed forces have been met.

2. Q - Whom does the amended Order affect?

A - Producers, processors, packers, wholesalers, retailers, hotel restaurant, and dining car operators; and civilians.

3. Q - How does the Order affect producers?

A - Producers may sell live or dressed turkeys only to authorized buyers or processors for governmental agencies. They have authority under the amended Order to make certain that the buyers or processors with whom they deal are duly authorized to buy or process turkeys for designated governmental agencies.

4. Q - How may a small producer dispose of a few turkeys which have reached maturity and should be marketed?

A - He should take two steps. First, he should see other growers in his area and make an effort to pool their turkeys so they can be sent in larger shipments to a processor for Army use. Second, he should obtain from the Regional FDA Director in his area the names of processors authorized to buy turkeys for offer to the Army.

5. Q - What can producers do if they have turkeys to feed, but are faced with a short feed supply?

A - Each case of this nature should be made known to the Regional Director in the area where the turkeys are located. He will endeavor to obtain feed to meet the requirements. Such requirements, however, should be anticipated soon enough and the Director notified so as to give him time to obtain the necessary feed supplies.

6. Q - Assuming that supplemental feed cannot be obtained, or that turkeys are of such a grade that they will not be accepted for the armed forces and that no other outlet can be found, what can be done?

A - Under the Amended Order, each Regional Director is authorized to consider applications for relief. Petitions for relief must be made in writing to the Director in the region where the turkeys are located and must set forth all reasons and purposes of the relief sought.

7. Q - In case of doubt as to the purchase and sale of turkeys, what should the producer or processor do?

A - Write or see the Regional Director for the area in which the turkeys are located, stating fully the conditions of the problems involved.

8. Q - Are all processors qualified to buy and process turkeys under the Order?

A - No. The Order merely requires that no turkeys be sold to purchasers other than the designated agencies. Orders will be issued by military authorities in support of the Food Order, and will designate and authorize each plant in which turkeys are to be processed for the emergency requirement.

9. Q - How can a processor supply processed turkeys to the armed forces?

A - Through the Regional Director of the FDA for the area in which the processor is located. The Director will refer the processor to the officer in charge of the nearest Army market center.

10. Q - Is the Army accepting breeder turkeys, or young, immature turkeys for overseas shipment?

A - The Army prefers turkeys of the 1943 crop, weighing 8 pounds and up for hens and 14 to 20 pounds for toms. (New York dressed) since these sizes are more readily acceptable by the overseas forces. The Army will also consider 1942 breeder hens but does not want 1942 breeder toms.

11. Q - Will all the turkeys marketed for the duration of the Order and those in storage before the Order was issued, be taken by the armed forces to meet the emergency need?

A - Not necessarily. All of the new crop birds meeting grade and weight requirements will be bought until the full quantity is obtained. Those which do not meet such requirements, together with the old crop remaining in storage after August 21 and for the duration of the Order, must be held in storage or disposed of for canning purposes through permission obtained from the Director, or Regional Directors, of the FDA.

12. Q - When will the ban on the sale and use of turkeys be lifted?

A - As soon as the quantity of turkeys needed to supply the 10 million pounds for shipment to our armed forces overseas has been obtained. If marketings of 1943 turkeys for the next few weeks approach the volume of 1942 marketings for the same period, it is believed that the ban may be lifted soon after October 1.

FOOD DISTRIBUTION ADMINISTRATION REGIONAL ORGANIZATION

NORTHEAST:	Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, District of Columbia, and West Virginia. Regional office: 150 Broadway, New York, New York
SOUTHERN:	Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Mississippi, Alabama, Georgia, and Florida. Regional office: Western Union Bldg., Atlanta, Ga.
GREAT LAKES:	Ohio, Indiana, Illinois, Wisconsin, and Michigan. Regional office: 5 Wabash Ave., Chicago, Illinois.
MIDWEST:	North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, and Minnesota. Regional office: Old Colony Bldg. Grand Ave. at West 10th St., Des Moines, Iowa
SOUTHWEST:	Arkansas, Louisiana, Oklahoma, and Texas Regional office: 425 Wilson Bldg., Dallas, Texas
ROCKY MOUNTAIN:	Montana, Idaho, Wyoming, Utah, Colorado, and New Mexico. Regional office: Burns Vault Bldg., 1536 Welton St., Denver, Colorado
PACIFIC:	Washington, Oregon, California, Nevada, and Arizona. Regional office: 821 Market Street, San Francisco, California.

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WAR FOOD ADMINISTRATION

[FDO 71, Amdt. 1]

PART 1414—POULTRY

TURKEYS

Food Distribution Order No. 71 issued by the War Food Administrator July 31, 1943 (8 F.R. 10703), § 1414.1, is amended as follows:

1. By adding to (a) thereof the following:

(5) The term "storage" means storage space equipped with refrigeration facilities.

(6) The term "canned turkey" means turkeys which have been cooked, the meat separated from the carcass and placed in hermetically sealed containers and sterilized by heat.

2. By adding to (b) thereof the following:

(5) Each person owning turkeys which are in storage on or after August 21, 1943, shall set aside and hold such turkeys for delivery to a governmental agency: *Provided,* That the Director may release from the quantity of turkeys so set aside any turkeys which are to be used in the production of canned turkey.

Effective date. This amendment shall become effective at 12:01 a. m., e. w. t., August 21, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 2807; E.O. 9334, 8 F.R. 5423)

Issued this 17th day of August 1943.

GROVER B. HILL,
Acting War Food Administrator.

Press Release, Immediate:
Wednesday, August 18, 1943.

The War Food Administration moved today to stop all further civilian use of turkeys after August 21, and until the armed forces' request for 10 million pounds of turkeys for overseas' shipment is met.

The restriction was issued as an amendment to Food Distribution Order 71 which became effective August 2. The order prohibited the sale, purchase, or processing of live or dressed turkeys, except as authorized by designated Governmental agencies, but did not apply to those turkeys which were in storage before August 2.

The amendment requires that those holding turkeys in storage on or after August 21, 1943, set aside and hold the turkeys for delivery to a Governmental agency. It permits the release for canning purposes, however, of the storage turkeys set aside under the order, as amended. Release of storage birds for this purpose must be obtained from the Regional Directors of the Food Distribution Administration. Thus, between August 2, and 21, WFA officials explained, holders of storage turkeys will have had an opportunity to clean up their stocks and to take advantage of present ceiling prices which are higher than those scheduled by the Office of Price Administration for September and October.

The turkey order as amended now applies to turkeys in storage before August 2, as well as to 1943 crop turkeys which are to be marketed in the next few weeks to fulfill the emergency request for the armed forces. It affects producers, processors, packers, wholesalers, retailers, restaurant, hotel and dining car operators, and civilian consumers without regard to previous contracts. While the order is in force, it is expected to provide a safeguard against the development of black market traffic in turkeys which might extend the period of the ban or which could prevent fulfillment of the emergency requirement.

In support of the embargo order will be orders to be issued to each processor by military authorities. The mandatory orders will give each processor receiving them the necessary authority to buy, process, and sell the turkeys to the armed forces.

Lifting of all restrictions on turkeys, WFA officials said, will follow immediately after fulfillment of this military requirement. Unless, during the next few weeks, early marketings of 1943 crop turkeys are considerably smaller than they have been in previous years, it is not expected that the embargo will extend much beyond October 1. This is indicated by the fact that during the first two weeks that the order was in effect, approximately 1,750,000 pounds of turkey was obtained by the armed forces.

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WAR FOOD ADMINISTRATION

[FDO 71-1]

PART 1414—POULTRY

TURKEYS

Pursuant to the authority vested in me by Food Distribution Order No. 71 (8 F.R. 10703), issued by the War Food Administrator on August 2, 1943, as amended, effective in accordance with the provisions of Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, and in order to effectuate the purposes of the aforesaid orders, *It is hereby ordered,* As follows:

§ 1414.2 *Delegation of authority*—(a) *Definitions.* Each term defined or used in Food Distribution Order No. 71, as amended, shall, when used herein, have the same meaning as that which it has in said Food Distribution Order No. 71, as amended.

(b) *Delegation.* In accordance with the provisions of § 1414.1 (g) of Food Distribution Order No. 71, as amended, authority is hereby delegated to the regional directors, Food Distribution Administration, War Food Administration (8 F.R. 9315, 11198), to perform the following acts, subject to the following conditions:

(1) To consider petitions for relief from hardship with respect to turkeys delivered to the Armed Services of the United States and rejected by the Armed Services, and to grant releases with respect to such petitions upon any or all of the following conditions: That such turkeys will be (i) placed in storage; (ii) used for canning purposes; (iii) sold to purchasers who will retain such turkeys in storage or use the turkeys so sold for canning purposes: *Provided,* That no regional director shall grant releases, pursuant hereto, with respect to turkeys subject to Food Distribution Order No. 71, as amended, without first obtaining a certificate from the applicant furnished by the Office of the Quartermaster General of the United States Army showing the grade or condition of such turkeys and the number of pounds of such turkeys to be so released.

(2) To consider petitions for relief from hardship requesting releases from the provisions of Food Distribution Order No. 71, as amended, and to grant releases with respect to such petitions to the extent necessary to permit the sale of live turkeys for breeding purposes: *Provided,* That no regional director shall grant releases pursuant hereto with respect to turkeys subject to Food Distribution Order No. 71, as amended, without first obtaining proof satisfactory to him that such turkeys are to be sold as, and will be used for, breeding purposes.

(c) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., August 23, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 71, 8 F.R. 10703)

Issued this 23d day of August 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

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DEPARTMENT OF AGRICULTURE

WAR FOOD ADMINISTRATION

[FDO 71-1, Amdt. 1]

PART 1414—POULTRY

TURKEYS

Director Food Distribution Order No. 71-1, § 1414.2, issued by the Director of Food Distribution, War Food Administration, on August 23, 1943 (8 F.R. 11713), is amended as follows:

By adding to (b) the following:

(3) To consider petitions for relief from hardship requesting releases from the provisions of Food Distribution Order No. 71, as amended, and to grant such releases to persons who are unable to offer or sell to the Armed Services of the United States turkeys owned by such persons and which are subject to the provisions of said order, as amended: *Provided,* That the respective regional director determines upon the basis of evidence satisfactory to him that it is not practicable for the Armed Services of the United States to purchase such turkeys.

This order shall become effective at 12:01 a. m., e. w. t., October 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 71, 8 F.R. 10703, 11465)

Issued this 30th day of September 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

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FDO 71

TERMINATION
OCTOBER 23, 1943

WAR FOOD ADMINISTRATION

[FDO 71, as Amended, Termination]

PART 1414—POULTRY

TURKEYS

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, it is hereby ordered, as follows:

That Food Distribution Order No. 71, issued by the War Food Administrator on July 31, 1943, as amended (8 F.R. 10703, 11465), restricting the sale, delivery, purchase, and acceptance of delivery of turkeys, be, and the same is hereby, terminated at 12:01 a. m., e. w. t., October 25, 1943.

With respect to violations of said Food Distribution Order No. 71, as amended, rights accrued, liabilities incurred, or appeals taken under said order, as amended, prior to the effective time of the termination thereof, said Food Distribution Order No. 71, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 23d day of October 1943.

GROVER B. HILL,
First Assistant War Food Administrator.

Press Release Immediate:
Saturday, October 23, 1943.

With enough turkey on its way overseas for the holiday dinners of U. S. military forces, the War Food Administration said today that turkey sales to civilians may be resumed Monday.

The turkey embargo had been in effect since August 2 to make it possible for the U. S. armed forces to purchase 12 million pounds of turkeys in time for shipment overseas, and to obtain part of the requirements for the forces here at home. Overseas requirements have been met in full and a good share of domestic military needs have been assured.

The entire turkey needs of the armed forces, totalling approximately 35 million pounds, represent less than 10 percent of the total U. S. supply. The remainder of the supply—expected to total 445 million pounds—will be available for civilians.

Lifting of the turkey embargo order at this early date, Army and Food Distribution Administration officials state, is indicative of the cooperation of the public and all branches of the turkey industry. In responding promptly to the Army's call they have helped to assure turkey dinners on Thanksgiving, Christmas, and New Years, for our men and women serving overseas. The order, (Food Distribution Order 71) has worked smoothly and successfully and is being revoked now because the goal has been reached.

Cancellation of FDO 71 is effective Monday at 12:01 a. m.